

ESTTA Tracking number: **ESTTA216929**

Filing date: **06/11/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Chatam International Incorporated
Granted to Date of previous extension	06/11/2008
Address	1105 N. Market Street Suite 1300 Wilmington, DE 19801 UNITED STATES
Correspondence information	Paul M. Lewis, Esquire Charles Jacquin et Cie. Inc. 2633 Trenton Avenue Philadelphia, PA 19125 UNITED STATES plewis@jacquins.com Phone:215-425-9300

Applicant Information

Application No	77254024	Publication date	02/12/2008
Opposition Filing Date	06/11/2008	Opposition Period Ends	06/11/2008
Applicant	Agave Rose Wine Company, LLC 493 Zinfandel Lane St. Helena, CA 94574 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. First Use: 2007/07/10 First Use In Commerce: 2007/07/10
All goods and services in the class are opposed, namely: Wines

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	435863	Application Date	09/04/1946
Registration Date	01/13/1948	Foreign Priority Date	NONE
Word Mark	JACQUIN		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class U049 (International Class 033). First use: First Use: 1884/00/00 First Use In Commerce: 1884/00/00 BRANDY, GIN, RUM, AND ALCOHOLIC CORDIALS AND LIQUEURS
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U.S. Registration No.	1245562	Application Date	12/21/1981
Registration Date	07/12/1983	Foreign Priority Date	NONE
Word Mark	JACQUIN'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1884/00/00 First Use In Commerce: 1884/00/00 Brandy, Gin, Rum, Alcoholic Cordials and Liqueurs, Whiskey, Prepared Alcoholic Cocktails and Vodka		

Attachments	71508465#TMSN.gif (1 page)(bytes) NOO JACK QUINN.pdf (3 pages)(39700 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/paul m. lewis/
Name	Paul M. Lewis, Esquire
Date	06/11/2008

Opposition Against "JACK QUINN" in Class 33, Application S.N. 77/254,024

1. Opposer believes it will be damaged by registration of the mark shown in Serial No. 77/254,024 for "JACK QUINN" and hereby opposes the same.
2. Applicant filed the subject trademark application for wines on August 13, 2007 which application was assigned Serial No. 77/254,024. The trademark application cites a first date of use in interstate commerce of July 10, 2007. Said trademark application was published for opposition in the Official Gazette on February 12, 2008.
3. Opposer is the owner of U.S. Trademark Registrations Nos. 435863 for "JACQUIN" issued on January 13, 1948 for brandy, gin, rum and alcoholic cordials and liqueurs ; and 1,245,562 for "JACQUIN'S" issued on July 12, 1983 for brandy, gin, rum, alcoholic cordials, liqueurs, whiskey, prepared alcoholic cocktails and vodka. "JACQUIN" and "JACQUIN'S" was first used in 1884. Said registered marks of Opposer are valid and subsisting and are prima facie evidence of Opposer's exclusive right to use said marks in commerce on the goods specified in said registrations.
4. Opposer also claims all common law rights in the trademarks "JACQUIN" and "JACQUIN'S".
5. In view of the similarity of the respective marks and the related nature of the goods of the respective parties, it is alleged that Applicant's mark so resembles Opposer's marks as to be likely to cause confusion, or to cause mistake or to deceive.
6. Opposer believes it will be damaged by the registration of Applicant's mark in that the mark makes a confusing, substantially similar commercial impression to Opposer's marks, and Applicant's mark will be used in connection with goods that are identical in nature and otherwise closely related to the goods offered to the public by Opposer and the respective goods are likely to be sold through the same or commercially related channels of trade to the same or overlapping classes of purchasers.
7. Based on the similarities in the marks and the substantially identical nature of the goods applied for in Applicant's application in issue, as well as the likely overlap in the channels of trade, the public is likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's goods marketed under Applicant's mark and misled into believing such goods are

produced by, emanate from, or are in some way directly or indirectly associated with Opposer, or that there exists some affiliation or relationship between Applicant and Opposer.

8. Based on the similarities in the marks and the substantially identical nature of the goods in issue, as well as the likely overlap in the channels of trade, issuance of a registration for Applicant's mark will cause confusion of the trade and public resulting in damage and injury to Opposer.

9. Based on the similarities in commercial impression between Opposer's marks and Applicant's mark, Opposer believes that a likelihood of confusion will exist and Opposer will subsequently suffer damage and injury.

10. For all of the above reasons, the issuance of registration to Applicant for the mark "JACK QUINN" and any use of the mark "JACK QUINN" on or in connection with the goods of Applicant is likely to cause confusion, or to cause mistake, or to deceive the public, or to cause the public to believe that the goods sold under the "JACK QUINN" mark emanate from or are otherwise sponsored or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

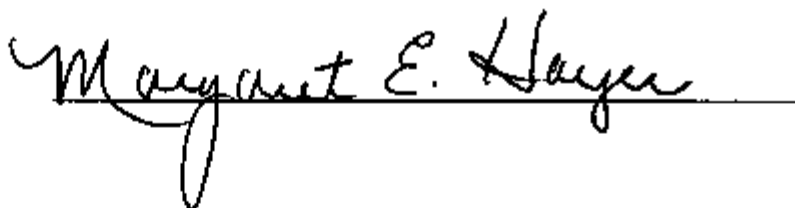
WHEREFORE, Opposer prays that said application Serial No. 77/254,024 be rejected, and that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Opposer certifies the Notice of Opposition was served on Applicant's attorney of record by first class certified mail, return receipt requested, to the correspondence address of record as maintained by the Trademark Office this same day.

CERTIFICATE OF SERVICE

This certifies that the foregoing NOTICE OF OPPOSITION was served on Applicant's attorney of record by first class certified mail, return receipt requested, to the correspondence address of record as maintained by the Trademark Office, this 11 day of June, 2008, as follows:

John L. Hay
Gust Rosenfeld P.L.C.
201 E. Washington Street
Suite 800
Phoenix, AZ 85004-2327

A handwritten signature in cursive script, reading "Margaret E. Hayer", is written over a horizontal line.